## BOARD OF ADJUSTMENT REPORT



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101 NB

E CHOLLA ST

E SHEA BL

MEETING DATE: 8/2/2006 ITEM NO. \_\_\_\_ ACTION REQUESTED: Zoning Ordinance Variance

SUBJECT Armenian Apostolic Church Of Arizona

(6-BA-2006)

REQUEST Request to approve a variance from Article V. Section 5.204.D, 5.202

and 5.102.A.12.C regarding building height.

OWNER Western Diocese of the Armenian

Church of North America

818-558-7474

APPLICANT CONTACT Jerry Avakian

Armenian Apostolic Church

Of Arizona 480-585-0662

LOCATION 8849 E Cholla Street

This site is not the subject of Code Enforcement Activity.

ACTIVITY

CODE ENFORCEMENT

ACTIVITY

PUBLIC COMMENT The applicant completed a Neighborhood Involvement process by

sending postcards inviting neighbors to attend an open house informational meeting on January 4, 2006. Five neighbors attended that meeting and asked general questions about property ownership, construction details, and traffic. Traffic was identified as the "biggest issue" of the neighbors. The attendees indicated that height was not a

concern.

70NF R1-35 (Single-family Residential – 35,000 square feet per lot)

**ZONING/DEVELOPMENT** 

CONTEXT

North: R1-7 (Single-family Residential – 7,000 square feet per lot)

developed with the Scottsdale Vista single-family residential

subdivision.

East: R-4 (Townhouse Residential) developed with the Arizona

Park Place single-family residential subdivision.

South: R-4 (Townhouse Residential) developed with the Arizona

Park Place single-family residential subdivision, and R1-35 (Single-family Residential – 35,000 square feet per lot)

developed with one single-family residence.

West: Loop 101 Freeway

#### ORDINANCE REQUIREMENTS

This site is zoned R1-35 (Single-family Residential – 35,000 square feet per lot). Article V. District Regulations. Sec. 5.102. Use Regulations. A. Permitted Uses. 12. Churches and Places of Worship. c. Building height.

Development Review Board may allow building heights, including towers, spires, and mechanical equipment (such equipment must be screened) limited to thirty (30) feet in height, and may allow a maximum of ten (10) percent of the roof area to exceed the height limit by fifteen (15) feet. Height and location are subject to the Development Review Board review and approval for compatibility with the established neighborhood character. Maximum permissible heights may not be achievable in all neighborhoods.

#### **DISCUSSION**

The applicant is requesting to construct a church sanctuary building with a 60-foot tall modified dome roof, plus an 8-foot decorative cross on the top of the modified dome. This site is allowed a maximum 45-foot high building. The desired architectural style of the church is a historic Armenian church, which in its standard form includes large rectangular/square geometric buildings with tall domed roofs. See the attached applicant's narrative.

The following is the site development and zoning history for this property:

- 1985. A Conditional Use Permit 82-UP-1985 was approved on December 3, 1985. This approval included a height condition: "3. Building height except for the sanctuary/steeple/spire shall be limited to 30-feet." The Zoning Ordinance in 1985 allowed churches with a Conditional Use Permit to a height not exceeding 75 feet if the building is setback from each yard line at least one foot for each 2 feet of additional building height above the District height limit. Therefore in 1985, the sanctuary was allowed at 60feet of total height.
- 1988. Case 212-DR-1986 was approved on March 17, 1988 with a community building at 30-feet building height and the church at a 60-foot total building height. The community building was constructed, but church sanctuary was not built.
- 1991. Ordinance No. 2394 was approved September 16, 1991, revising the Zoning Ordinance to allow churches without Conditional Use Permits and subject to specific standards, including a lower building height. The Zoning Ordinance allows building heights of 30-feet with a maximum of 10% of the roof area to exceed that maximum height by 15 feet resulting in a total maximum height of 45 feet.

The existing building height on the site is 30-feet and its dome is 45-feet high. The proposed sanctuary building is shown on the site plan in a location that minimizes to the greatest extent possible the impact on the adjacent residential neighborhoods.

FINDINGS

1. That there are special circumstances applying to the property referred to in the application which do not apply to other properties in the District. The special circumstances must relate to the size, shape, topography, location or surroundings of the property at the above address:

The applicant states that church is a historic forum that requires conformance to historic proportions.

At 5.2 acres, the property is comparable in size to other properties with churches in this District. This property has a rectangular shape and flat topography. It is located along a major highway but only has access from local collector residential streets. Before the highway was constructed the site had access and visibility to Pima Road. Since the Freeway was constructed that access is not feasible and the visibility is not available.

2. That the authorizing of the variance is necessary for the preservation of the privileges and rights enjoyed by other properties within the same zoning classification and zoning district:

The applicant feels that because the purpose of the site use is an Armenian Apostolic Church the variance is required.

Other churches in this District and within the Shea Road/ Cactus Road area are built to the ordinance height standard.

3. That special circumstances were not created by the owner or applicant:

In justifying this variance the applicant states that the property has always been planned for a church as submitted with the site plan at the time of the first development.

There are no special circumstances applicable to this site.

4. That the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general:

Because of the proposed design the applicant asserts that the church is located to minimize the impact of the dome from all residential property and it will not be visible form the majority of the street or residences.

The approval of this variance will result in a building that is visible to the surrounding area, at a height greater than 45-feet.

#### STAFF CONTACT

Kira Wauwie, AICP Phone: 480-312-7061

E-mail: Kwauwie@scottsdaleAZ.gov

Tim Curtis, Principal Planner

Phone: 480-312-4210

E-mail: <u>Tcurtis@scottsdaleAZ.gov</u>

#### **ATTACHMENTS**

- 1. Project Description
- 2. Justification
- 3. Supplemental Justification
- 4. Context Aerial
- 5. Aerial Close-up
- 6. Zoning Map
- 7. Photographs
- 8. Proposed Site Plan

#### **City of Scottsdale Pre-Application Information Sheet**

January 2006

Applicant: Armenian Apostolic Church of Arizona Contact: Jerry Avakian, Parish Council Chairman

Address: 8849 E Cholla Street Scottsdale, AZ 85260 Phone: 480-585-0662

Email: JerryAvakian@aol.com

Property Owner: Western Diocese of the Armenian

Church of North America Address: 3325 N. Glenoaks Blvd. Burbank, CA 91504

Phone: 818-558-7474 Fax: 818-558-6333

Email: armenianchwd@earthlink.net

#### **Project Narrative:**

This proposal is for the construction of a new Armenian Church at the site located at the intersection of E Cholla Street and 88<sup>th</sup> Place where the Armenian Church Cultural Center building is located. The existing center serves the community both as a church (approximately every second Sunday morning) and as a community center. The building is composed of the social hall, offices, meeting rooms and library. The existing building is 30 feet high with a small dome that is 45 feet high and it is located at the Northwest quadrant of the site. Access to the center is from Cholla Street and there are 93 existing paved parking spaces.

To better serve the community, a separate new church building is proposed to compliment the existing facility. In this manner the community center building would serve as a fellowship center (and not both as a church and fellowship center) after the church services. The new church would be built on the existing pad that was prepared for a church building when the original building permits were obtained in the early 1990's. The seating capacity would be 270 (within a sanctuary area not exceeding 3,000 sq. ft.) and aside from some ancillary spaces, the church building will be strictly used as a sanctuary – for regular worship services, weddings, baptisms and funeral services.

#### City of Scottsdale Pre-Application Information Sheet - Page 2

January 2006
Applicant: Armenian Apostolic Church of Arizona

The Armenian liturgy is one of the oldest in Christianity (over 1,700 years), and is highly developed and rigidly organized in its rituals and requirements. Armenian Church architecture has its origins in the 4<sup>th</sup> Century CE and has developed following precisely defined paths and styles. The concepts of the church building are inspired by the historical precedents which will be adapted to modern building technology and governing codes. The Armenian ethnic and religious identities are highly intertwined and this church is symbolic of both.

The plan is a Roman cross with a conical shaped dome at the intersection of the cross's arms. The building's main structure peaks at 30'-0" at its apex and the dome is proposed to be 60'-0" at the cone's highest point. These proportions are reminiscent of ancient precedent. In fact, Armenian Church architecture, with its emphasis on verticality, influenced the European Romanesque and Gothic styles built before and during the middle ages.

Due to modern requirements such as a "Cry Room/ Bridal Room" the proportions of the church have become more elongated and more horizontal. To accommodate these features, the building's volume is actually composed of three distinct sections – the entrance and narthex with its portico/ bell tower, known as a "gavit", the main sanctuary, and the altar. The peak of the sanctuary's gabled roof is at 30'-0". The volumes at the each end of the sanctuary are stepped lower than the 30'-0". The church's dogma requires that the altar be located at the east end of the building. Consequently, the main entrance is located at the west end of the building, off a newly created shared "courtyard" with the community center.

The exterior building materials are proposed to be CMU (Concrete Masonry Units) for the walls and flat concrete tiles for the roofing. In a happy coincidence, the building's colors are native to Armenia and to Arizona. The CMU's coloration is such that it completely compliments our desert environment. The range of the CMU colors is from tan to different hues of brown with hints of black.

#### City of Scottsdale Pre-Application Information Sheet - Page 3

January 2006
Applicant: Armenian Apostolic Church of Arizona

The dark brown roof tiles would match those of the existing community center. The gray concrete window surrounds will match the design of the historic design motif found on the community center's windows. Door surrounds, archways and certain horizontal bandings would also be made of the gray concrete units. The glazing will be slightly tinted with a light bronze color and the aluminum window frames will be dark bronze.

The existing parking entry will be altered to accommodate a City of Scottsdale (COS) conforming turnaround and gates. The existing parking at the north end of the site will be altered in a minor way to accommodate 6 accessible parking spaces, including one van accessible space. The existing driveway parallel to the west property line will be widened to 24'-0" and new parking stalls will be added along the driveway's west side. This driveway will lead to a modified loading area to serve the existing community center in addition to accessing a new trash container location. Finally, this driveway will continue south to the land-locked parcel located directly south of the church property. Additional paved parking spaces will be added off a new double-loaded driveway parallel to the east property line.

The existing retention area located east of the community center building will be modified to accommodate the new changes. The land area in the wider section of the Parcel 217-25-001X will be left mainly undisturbed.

In conclusion, the new church building will be compatible with its immediate neighbor, the community center, in terms of height, certain forms and colors and it will be a Southwest building because of its colors, with the McDowells as its backdrop. The church will also be located far enough of away from its residential neighbors, thereby not infringing on any of their views or casting unwanted shadows. All parking area lighting will be on low standards, with the proper cutoffs and the lights will be shut off per current COS regulations.

#### **END OF NARRATIVE**



## **ZONING ORDINANCE VARIANCE**

## **Application Submittal Requirements**

#### **Justification for Variance**

The Board of Adjustment may not authorize a zoning ordinance variance unless ALL of the following criteria are met. Use the space provided to present your evidence that the requested variance complies; you may attach a seperate sheet if you need more room.

1.	Special circumstances/conditions exist which do not apply to other properties in the district:  The Church is a historic armenian forum which
	requies conformance to historic proportions.
2.	Authorizing the variance is necessary for the preservation and enjoyment of substantial property rights:
	Church is required.
3. J	Special circumstances were not created by the owner or applicant: She properly was always planned for a Church which was submitted with preliminary orte plan at the fine of first nevelopment.
4.	Authorizing the application will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare in general:  The Church is located to ornumize the migacet 1 the dome wiew from all
	visable from the majority of the approaching

Planning and Development Services Department

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088



#### BUILDING ON THE ROCK OF FAITH

June 23, 2006

City of Scottsdale Zoning Board of Adjustment City of Scottsdale City Hall 3939 N Drinkwater Blvd Scottsdale, Arizona 85251

RE: Zoning Case No. 6-BA-2006

Dear Members of the Board.

The Armenian Apostolic Church of Arizona asks you to approve the variance for a small portion of the roof of our church to extend to a height of 60 feet. No other zoning change is requested. The majority of the roof will be within the 30 foot allowable height with ten percent of the roof area up to 45 feet as currently allowed. We will comply with all other zoning and code requirements for the property. The following is the explanation for our request.

1. There are special circumstances applying to the property referred to in the application which do not apply to other properties in the District. The special circumstances relate to the size, shape, and location of the property at the above address.

Special circumstances which do not apply to other properties in the District are that the property was approved for the proposed church building in 1985 and 1988 and significant funds have been raised based on those approvals, and the previously approved form of the church was a major factor allowing the donation of enough land for the Church.

Fund raising for the church was started in 1985 when a conditional use permit for building the church was approved. In 1988 the City of Scottsdale Design Review Board approved the design of the church with a 60 ft dome height. The size, shape, topography, and location of the church site were all selected based on the initial approval to build the church as shown. Based on the zoning approvals received in 1985 and 1988, additional property was donated to the church to ensure adequate parking area for the two buildings. This is a very small parish and fund raising has taken a very long time. All funds have been committed based on the initial zoning approvals. Some of the money raised has been held in a building account for over twenty years.

The shape of the church is extremely important to the historical references of the Armenian Church. The Armenians were the first nation to accept Christianity, in 301 AD. Throughout their history, church architecture was their primary form of civic expression, creating long lasting symbols of faith and community. The Armenians underwent the first genocide in the 20<sup>th</sup> Century by the Ottoman Turks, largely for their Christian faith. The form and presence of the historic churches are an important reminder to the people of their ability to survive and prosper despite these events.

ARMENIAN APOSTOLIC CHURCH OF ARIZONA 8849 EAST CHOLLA STREET, SCOTTSDALE, ARIZONA 85260 (480) 451-8171 Armenian Apostolic Church of Arizona June 23, 2006 Page 2

The church does not have the financial resources to obtain an alternate property.

The church operated for over 25 years in rental facilities at other churches and would not have been able to build if the property had not been donated. Changing the zoning after the initial approval did not mean that the church had any other options. At the time the zoning change occurred, even if the Parish had been made aware of it, would not have allowed the parish to completely change their plans. The site is the only property owned by the Church and cannot be replaced.

2. The authorizing of the variance is necessary for the preservation of the privileges and rights enjoyed by other properties within the same zoning classification and zoning district.

This variance is required to preserve the privileges and rights to worship. This is a very small parish of only 103 members, and the only Armenian Church in the state of Arizona. A special use permit was obtained upon donation of the land because the only required use is for the Church. The form of the church is essential to maintain the preservation of the privileges and rights to worship. There is no historic precedent for a low, shallow dome in any Armenian architecture. Such a dome structure would not reflect Armenian architecture in any way. In fact, it was this concern that was a major factor for building a new church, rather than pursuing an option to purchase an existing church. The current zoning, done years following approval of the initial special use approval and design review approval, is a severe impediment to the feasibility of construction of the required church on the property.

3. Special circumstances were not created by the Owner or applicant.

The property has always been planned for a church as submitted and approved with the site plan at the time of first development. The special circumstances requiring a zoning variance were the result of City of Scottsdale actions only, due to zoning changes made after the property was donated and a special use permit was granted.

4. The authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general.

The Church will be very difficult to see from the adjacent neighborhood. This is illustrated clearly in the attached illustrations showing the proposed church superimposed accurately in photographs from the adjacent neighborhood. No new traffic will be generated for the Church, as the same members who are using the existing Hall are using it for church services now. The use of the Hall for Church services has made it very difficult to set up for the Church community hour after services.

Please carefully consider and approve our request, which we make after careful consideration of alternatives. The very important architectural proportions required for this symbol of our church require this variance.

Thank you for you consideration,

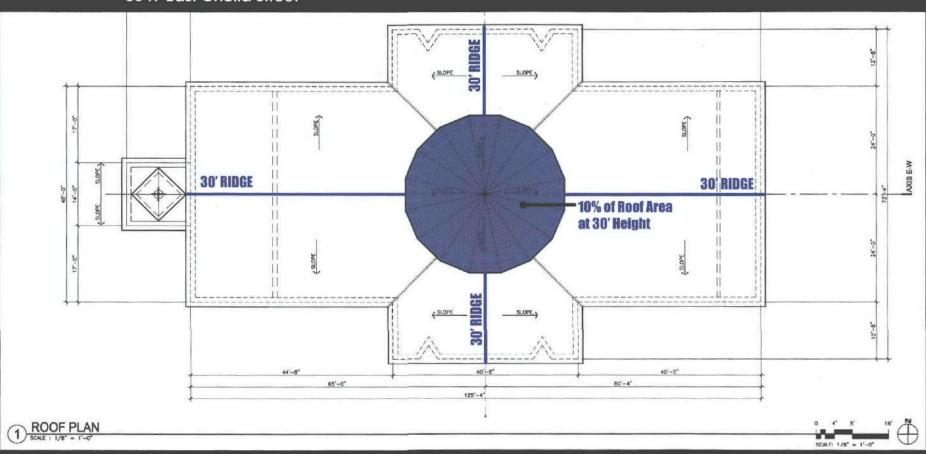
Ms. Marlene Imirzian, Chair Building Committee

8849 East Cholla Street

# **Variance Request**

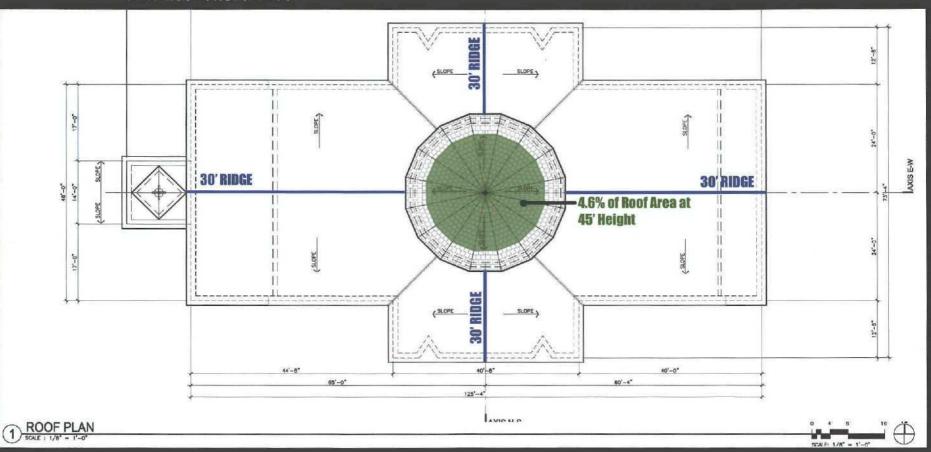
Requesting to increase the allowable 45 ft. height of 10% of the roof area up to 60 ft. height

8849 East Cholla Street



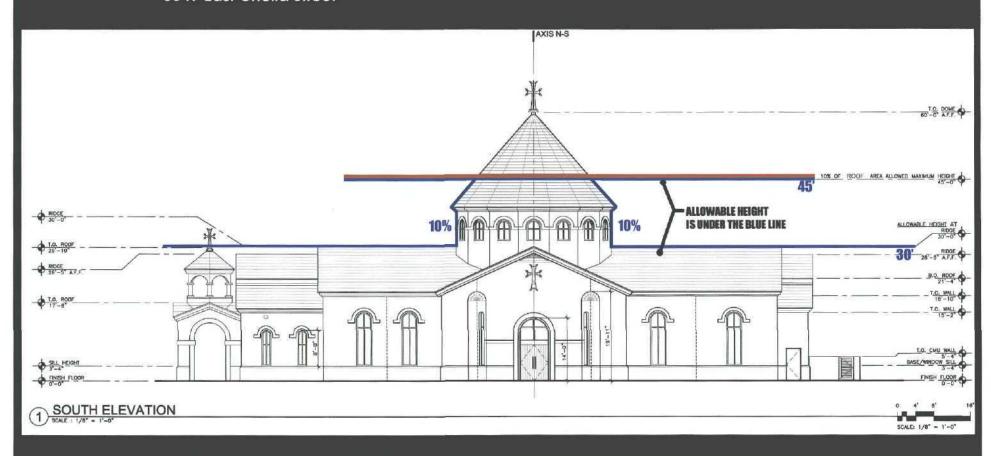
Roof Plan Showing Allowable Roof Areas: 30 ft. Typical, up to 10% of Roof Area Allowed up to 45 ft. Height

8849 East Cholla Street



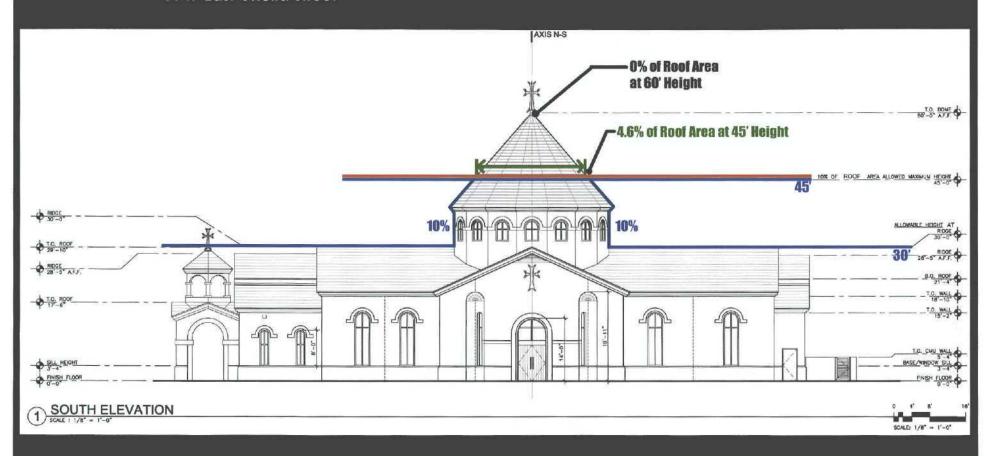
4.6 % of Roof Area at 45 ft. height to 0% at 60' High

8849 East Cholla Street



**Elevation Showing Allowable Heights** 

8849 East Cholla Street



**Variance Request - Elevation Showing Proposed Height** 

8849 East Cholla Street

## St. Hripsime - Inspiration of Design

**Key Architectural Features Required:** 

-Central peaked dome on vertical drum
-Shed roofs in four directions
-Masonry walls with deep window reveals



Criteria 1 – Special Circumstances Applying to the Property

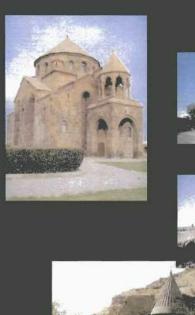
8849 East Cholla Street

Dogma of church requires the forms and shapes that are symbolic and important to the Armenian Christian Orthodox worship.

The freedom to worship is related to the type and form of building.

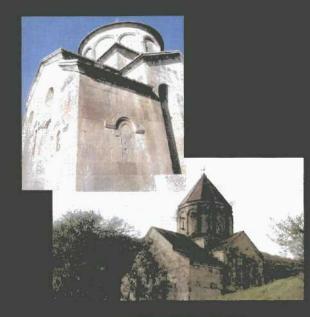
In good faith , based on the 1988 approval of the 60 ft. height, a tremendous amount of money has been raised by a very small community.

The City of Scottsdale's 1991 zoning change will result in severe limitation of the privileges and rights assumed by the Parish when accepting the donated land and accepting monetary donations.











**Armenian Historical Precedence** 

Criteria 2 – Preservation of the Privileges and Rights

8849 East Cholla Street

A church building design with 60 ft. height was approved by the City of Scottsdale for this site with a conditional use permit in 1985.

City of Scottsdale DR approved 60 ft. height for the church in 1988. At that time, due to a lack of enough funds, only the Cultural Center was built.

Armenian Community has invested in the property and all fundraising has been focused on the Church building.

The change in circumstance was due entirely to the City of Scottsdale's actions.

Criteria 3 - Special Circumstances Not Created by Applicant

8849 East Cholla Street

**Aerial Map/ Context Keyed Photo Locations** 

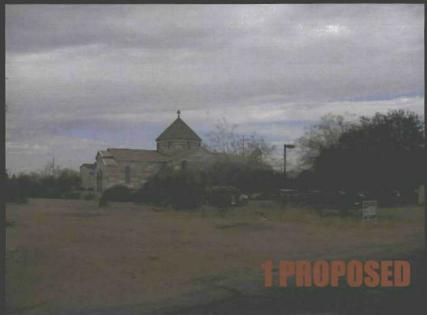
Photos demonstrate the proposed church has no impact on adjacent properties



**Criteria 4 - Not Materially Detrimental** 

8849 East Cholla Street

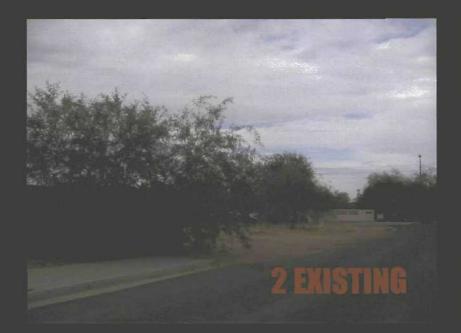


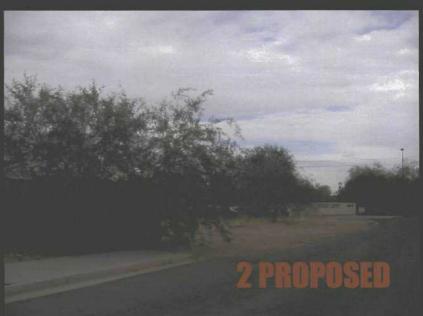


**Aerial Map Keyed Photos** 

**Criteria 4 - Not Materially Detrimental** 

8849 East Cholla Street





**Aerial Map Keyed Photos** 

**Criteria 4 - Not Materially Detrimental** 

8849 East Cholla Street





**Aerial Map Keyed Photos** 

**Criteria 4 - Not Materially Detrimental** 

8849 East Cholla Street





**Aerial Map Keyed Photos** 

**Criteria 4 - Not Materially Detrimental** 

8849 East Cholla Street

## 1 - Special Circumstances Applying to the Property

## 2 - Preservation of Privileges and Rights

# 3 - Special Circumstances not Created by Owner

## 4 - Not Materially Detrimental

Armenian Liturgy at 1,700 years plus is one of Oldest In Christianity.

Armenian Church Architecture origins in 4<sup>th</sup> Century CE.

Armenian ethnic and religious identities are highly intertwined.

"Landlocked" property big enough to not be detrimental to neighbors by a small height variance. Dogma of church requires the forms and shapes that are symbolic and important to the Armenian Christian Orthodox worship.

The freedom to worship is related to the type and form of building.

In good faith, based on the 1988 approval of the 60 ft. height, a tremendous amount of money has been raised by a very small community.

The City of Scottsdale's 1991 zoning change will result in severe limitation of the privileges and rights assumed by the Parish when accepting the donated land and accepting monetary donations.

A church building with 60 ft. was approved by City of Scottsdale for this site with a conditional use permit in 1985.

City of Scottsdale DR approved 60 ft. height for the church in 1988.

Armenian Community has invested in the property and all fundraising has been focused on the Church building.

The change in circumstance was due entirely to the City of Scottsdale's actions.

Very few houses would be directly affected by the height of 60 ft. that is only at the apex of the cone.

The apex of the cone would be about 137 ft. away from the closest property line.

Colors and materials of the building are completely compatible with South West styles and traditions.

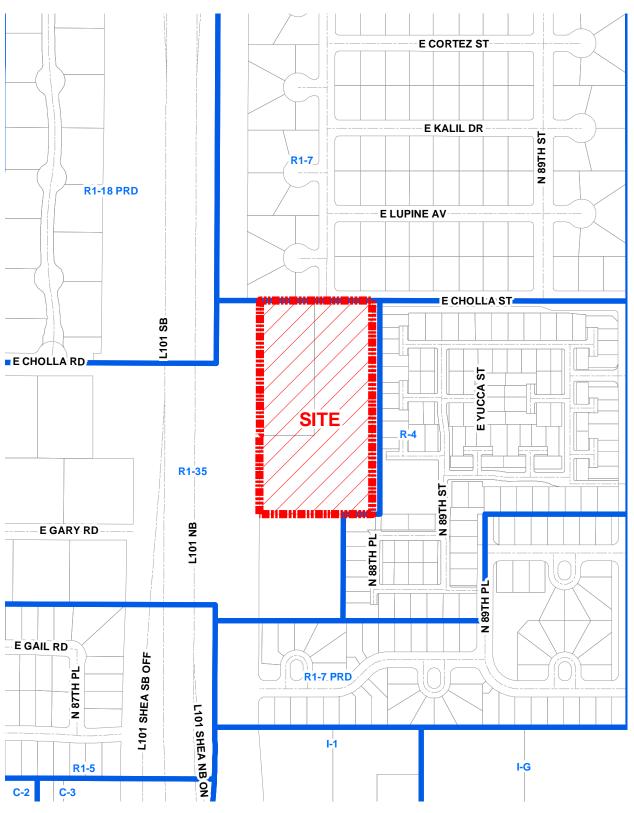
## **Criteria Response Summary for Variance Request**



**ATTACHMENT #3** 



6-BA-2006



6-BA-2006

ATTACHMENT #3

### **City of Scottsdale Pre-Application Information**

December 2004

Applicant: Armenian Apostolic Church of Arizona Contact: Jerry Avakian, Parish Council Chairman

> Address: 8849 E Cholla Street Scottsdale, AZ 85260 Phone: 480-585-0662

Email: JerryAvakian@aol.com

Property Owner: Western Diocese of the Armenian

Church of North America Address: 3325 N. Glenoaks Blvd.

> Burbank, CA 91504 Phone: 818-558-7474 Fax: 818-558-6333

Email: armenianchwd@earthlink.net

# EXISTING SITE PHOTOGRAPHS

